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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,370	07/06/2001	Noboru Takada	33781	6021

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EXAMINER
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HARRIS, TIA M

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/900,370

Applicant(s)

TAKADA ET AL.

Examiner

Tia M Harris

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: external circuit is part (92) not (90) (page 18, line 22). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Seal et al (hereafter referred to as Seal) (US 6333988 B1).

**(Claim 1)** Seal discloses an iris camera module comprising an image pickup optical system for picking up the image of the iris (col 7, lines 4-11) and a target optical system for displaying the target of the eye (col 7, lines 12-27), wherein the target optical system and the image pickup optical system are integrated (see fig 1).

**(Claim 2)** Seal further discloses wherein the image pickup optical system includes an infrared illuminating section (150) for irradiating an infrared ray onto the eye, an image pickup section (135) for picking up the image of the iris by detecting the infrared ray reflected on the eye, and an image pickup optical section for guiding the infrared ray reflected on the eye to the image pickup section, wherein the target optical system includes a target screen where the target is displayed and a target optical section for guiding the image of the target on the target screen to the eye (see fig 1).

**(Claim 3)** Seal further discloses wherein the image pickup optical section and the target optical section include a common half mirror (145) for reflecting to guide the infrared ray reflected on the eye to the image pickup section and guiding the image of the target on the target screen to the eye without reflecting the image (see fig 1).

**(Claim 4)** Seal further discloses wherein the image pickup optical section and the target optical section include a common half mirror (145) for guiding the infrared ray reflected on the eye to the image pickup section without reflecting the infrared ray and reflecting to guide the image of the target on the target screen to the eye (col 11, lines 27-34).

**(Claim 5)** Seal further discloses wherein the target optical system includes a screen illuminating section for illuminating the target screen, which is inherent with the LCD display (col 7, lines 12-27).

**(Claim 8)** Seal further discloses wherein the image pickup section includes an image pickup element for picking up the image of the iris, and a connector section for coupling an external circuit detachable from the image pickup section, wherein the external circuit includes a storage for storing a reference iris information and a comparator section for comparing an information based on the iris picked up by the image pickup section with the reference iris information to output the comparison result as to whether matching is obtained (see fig 3).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seal in view of Cambier et al (hereafter referred to as Cambier) (US 6532298 B1).

Seal discloses an iris camera module as discussed above, and further discloses storage (RAM-215) for storing captured images of the user's iris. But Seal does not specifically disclose that the image pickup section within the module comprises a comparator section for comparing an information based on the image of the iris picked up by the image pickup section with the reference iris information to output the comparison result as to whether matching is obtained.

Cambier discloses a portable authentication device and method using iris patterns wherein memory (530) is used to store reference iris information and processor (510) serves as the comparator section for comparing an information based on the image of the iris picked up by the image pickup section with the iris information to output the comparison result as to whether matching is obtained, both comprised within the imaging apparatus itself (see fig 8; col 12, line 50 – col 13, lines 7, 19-20, 45-67; col 14, lines 1-26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the comparator section in the imaging device of Seal, as taught by Cambier, to provide for a more compact device.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seal in view of Cambier as applied to claim 6 above, and further in view of Fisun et al (hereafter referred to as Fisun) (5862247).

The combined invention of Seal and Cambier discloses an iris camera module as discussed above, but does not specifically disclose the iris information can be overwritten only a predetermined number of times in the storage.

Fisun discloses a personal and property identification system wherein reference identification information can be overwritten only a predetermined number of times in the storage (col 5, lines 20-25).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made that the reference identification information disclosed in the combined invention of Seal and Cambier can only be overwritten a predetermined number of times as taught by Fisun to prohibit unauthorized use of the device.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsushita (5901238) discloses an iris identification system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia M Harris whose telephone number is 703-305-4807. The examiner can normally be reached on M-F 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

tmh

TMH  
12/15/03



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